

IC 6-1.1-6.5

Chapter 6.5. Assessment of Certain Wildlife Habitats

IC 6-1.1-6.5-1

Classification; assessment

Sec. 1. For the purpose of property taxation certain parcels of land may be classified as wildlife habitat or riparian land and assessed as provided in this chapter.

As added by Acts 1979, P.L.49, SEC.1. Amended by P.L.56-1986, SEC.1.

IC 6-1.1-6.5-2

Requirements for classification as wildlife habitat or riparian land

Sec. 2. (a) A parcel of land may be classified as a wildlife habitat if:

- (1) it contains a good stand of vegetation that is capable of supporting wildlife species;
- (2) it is conducive to wildlife management;
- (3) the landowner enters into an agreement with the department of natural resources establishing standards of wildlife management for the parcel of land as that concept is understood by competent wildlife biologists;
- (4) it contains at least fifteen (15) acres;
- (5) it contains less than ten (10) acres of woodland;
- (6) it does not contain a dwelling or other usable building; and
- (7) no part of it lies within a licensed shooting preserve.

(b) A parcel of land may be classified as riparian land if:

- (1) the land is stream bed or vegetated land adjacent to a stream bed, not extending more than one hundred (100) feet landward from the line of nonaquatic vegetation;
- (2) the land is conducive to riparian management for the purposes of fish and wildlife restoration or enhancement, erosion control, increased bank stability, improved water quality, or increased stream storage capacity;
- (3) the land does not contain a dwelling or other usable building; and
- (4) the landowner enters into an agreement with the department of natural resources establishing standards of management for the classified riparian land.

As added by Acts 1979, P.L.49, SEC.1. Amended by Acts 1982, P.L.42, SEC.1; P.L.56-1986, SEC.2; P.L.77-1987, SEC.1.

IC 6-1.1-6.5-2.5

Application with department

Sec. 2.5. (a) A landowner may file an application with the department of natural resources under section 5 of this chapter to have a parcel of land classified as a wildlife habitat if:

- (1) the parcel consists of at least one (1) acre;
- (2) the parcel is contiguous to a parcel of land owned by the landowner that is already classified as a wildlife habitat;

- (3) the parcel contains a good stand of vegetation that is capable of supporting wildlife species;
- (4) the parcel is conducive to wildlife management;
- (5) the parcel does not contain a dwelling or other usable building;
- (6) no part of the parcel lies within a licensed shooting preserve; and
- (7) the landowner enters into an agreement with the department of natural resources establishing standards of wildlife management for the parcel as that concept is understood by competent wildlife biologists.

(b) A parcel of land described in subsection (a) must be surveyed and platted under section 3 of this chapter.

As added by P.L.186-2003, SEC.26.

IC 6-1.1-6.5-3

Survey; identification of parcel; plats; description

Sec. 3. (a) A person who wishes to have a parcel of land classified as a wildlife habitat must have it surveyed by a registered land surveyor. In addition, the surveyor shall identify the parcel by section, township, range, and county references. The surveyor shall prepare plats of the parcel in ink, and he shall prepare the plats on the scale, and in the number, prescribed by the department of natural resources.

(b) The registered land surveyor may use an aerial photograph in order to obtain a description of the parcel. However, the surveyor's description must be accurate and it must meet the requirements specified in subsection (a) of this section. If an aerial photograph is used, that fact shall be noted on the application referred to in section 5 of this chapter.

As added by Acts 1979, P.L.49, SEC.1.

IC 6-1.1-6.5-4 Repealed

(Repealed by P.L.83-1995, SEC.7.)

IC 6-1.1-6.5-5

Application for classification

Sec. 5. (a) A person who wishes to have a parcel of land classified as a wildlife habitat must file an application with the department of natural resources on the forms prescribed by the department of natural resources. The application must include the following items:

- (1) The plats referred to in section 3 of this chapter.
- (2) The signature of the owner and the registered land surveyor.

(b) If an error or omission affecting the eligibility of the application is discovered by the department of natural resources or county assessor, the department of natural resources or county assessor shall promptly notify the applicant of the deficiency and allow the applicant to amend the application.

As added by Acts 1979, P.L.49, SEC.1. Amended by Acts 1982, P.L.42, SEC.3; P.L.83-1995, SEC.1; P.L.53-1997, SEC.3.

IC 6-1.1-6.5-6**Approval of application**

Sec. 6. If in its opinion an application filed under section 5 of this chapter and the land to be classified comply with the provisions of this chapter, the department of natural resources shall approve the application. In addition, it shall notify the auditor and the recorder of the county in which the land is located that the application has been approved, and it shall return one (1) approved application form to the applicant.

As added by Acts 1979, P.L.49, SEC.1.

IC 6-1.1-6.5-7**Recording approved application**

Sec. 7. If an application filed under section 5 of this chapter is approved, the applicant shall record the approved application in his name. If the applicant is a partnership, corporation, limited liability company, or association, the applicant shall record the approved application in the name of the partnership, corporation, limited liability company, or association. When an approved application is properly recorded, the county auditor shall enter the land for taxation at an assessed value determined under section 8 of this chapter.

As added by Acts 1979, P.L.49, SEC.1. Amended by P.L.8-1993, SEC.77.

IC 6-1.1-6.5-8**Amount of assessment**

Sec. 8. Land which is classified under this chapter as a wildlife habitat or as riparian land shall be assessed at one dollar (\$1) per acre for general property taxation purposes; however, ditch assessments on the classified land shall be paid.

As added by Acts 1979, P.L.49, SEC.1. Amended by Acts 1982, P.L.42, SEC.4; P.L.77-1987, SEC.2.

IC 6-1.1-6.5-9**Assessment for mineral wealth**

Sec. 9. If any oil, gas, stone, coal, or other mineral is obtained from land which is classified as a wildlife habitat, the parcel shall immediately be assessed for the oil, gas, stone, coal, or other mineral wealth. The assessed value of the mineral wealth shall then be placed on the tax duplicate.

As added by Acts 1979, P.L.49, SEC.1.

IC 6-1.1-6.5-10**Following standards of good wildlife management**

Sec. 10. A person who owns or controls land which is classified as a wildlife habitat must follow the minimum standards of good wildlife management as prescribed by the department of natural resources.

As added by Acts 1979, P.L.49, SEC.1.

IC 6-1.1-6.5-11

Special permits; issuance by department of natural resources

Sec. 11. The department of natural resources may issue special permits under the provisions of this chapter.

As added by Acts 1979, P.L.49, SEC.1.

IC 6-1.1-6.5-12

Marking of parcel; boundary signs

Sec. 12. The owner of a parcel of land which is classified as a wildlife habitat shall mark the parcel with four (4) signs. The owner shall place the signs on the boundaries of, and on different sides of, the parcel at the points which are the most conspicuous to the public. The department of natural resources shall furnish the signs and shall designate the size and the wording of the signs.

As added by Acts 1979, P.L.49, SEC.1.

IC 6-1.1-6.5-13

Inspection of parcel; recommendations; report; records

Sec. 13. At least once every five (5) years a representative of the department of natural resources shall inspect each parcel of land which is classified as a wildlife habitat. On each inspection trip, the representative shall, if possible, have the owner go over the parcel with him and shall point out to the owner any needed improvement. In addition, he shall give the owner a written report of the inspection and his recommendations. A permanent record of each inspection shall be maintained in the office of the department of natural resources.

As added by Acts 1979, P.L.49, SEC.1. Amended by P.L.83-1995, SEC.2.

IC 6-1.1-6.5-14

Withdrawal or transfer of land from classification; request

Sec. 14. (a) If the owner of land which is classified as a wildlife habitat wishes to have the land withdrawn from the classification, he shall file a withdrawal request in duplicate with the department of natural resources on forms prescribed by the department of natural resources. The department of natural resources shall withdraw the land from the classification on receipt of the withdrawal forms.

(b) Land classified as wildlife habitat under this chapter, or as forest plantation or native forest land under IC 6-1.1-6, may be transferred from one (1) classification to another, as appropriate, whenever the land transferred qualifies under the new classification. A change in classification does not constitute a withdrawal. Upon subsequent withdrawal from classification, the date of initial classification and the initial classification assessment shall be used in determining any withdrawal payments. The department of natural resources shall furnish the forms necessary to transfer within classifications.

As added by Acts 1979, P.L.49, SEC.1. Amended by Acts 1982, P.L.42, SEC.5; P.L.83-1995, SEC.3.

IC 6-1.1-6.5-15**Grounds for withdrawal by department**

Sec. 15. The department of natural resources shall withdraw land which is classified as a wildlife habitat from the classification if it finds that the provisions of this chapter are not being complied with and that the owner of the land refuses to make the changes necessary for compliance. The department of natural resources shall immediately notify the owner that the land has been withdrawn.

As added by Acts 1979, P.L.49, SEC.1. Amended by P.L.83-1995, SEC.4.

IC 6-1.1-6.5-16**Repealed**

(Repealed by P.L.83-1995, SEC.7.)

IC 6-1.1-6.5-17**Notice of withdrawal to recorder and auditor; notation in records**

Sec. 17. If land classified as a wildlife habitat is withdrawn from the classification, the department of natural resources shall immediately notify the recorder and the auditor of the county in which the land is situated that the land has been withdrawn. In addition, when land is withdrawn, the owner of the land shall make a notation of the withdrawal in the records of the county recorder.

As added by Acts 1979, P.L.49, SEC.1.

IC 6-1.1-6.5-18**Withdrawal fee**

Sec. 18. (a) If land that is classified as a wildlife habitat is withdrawn from the classification, the owner shall pay an amount equal to the sum of:

(1) the total property taxes that, if it were not for the classification, would have been assessed on the land during:

(A) the period of classification; or

(B) the ten (10) year period immediately preceding the date on which the land is withdrawn from the classification;

whichever is lesser; plus

(2) interest on the property taxes at the rate of ten percent (10%) per year.

(b) The liability imposed by this section is a lien upon the land withdrawn from the classification. When the amount is collected, it shall be paid into the county general fund. If the amount is not paid, it shall be treated in the same manner that delinquent taxes on real property are treated.

As added by Acts 1979, P.L.49, SEC.1. Amended by P.L.83-1995, SEC.5.

IC 6-1.1-6.5-19**Conveyance of classified land**

Sec. 19. A conveyance of land which is classified as a wildlife habitat does not release any person acquiring an interest in the land

from any obligation or liability imposed under this chapter.
As added by Acts 1979, P.L.49, SEC.1.

IC 6-1.1-6.5-20

Expense of survey

Sec. 20. The expense of the survey required by section 3 of this chapter shall be paid by the applicant.

As added by Acts 1979, P.L.49, SEC.1. Amended by P.L.83-1995, SEC.6.

IC 6-1.1-6.5-21

Annual report

Sec. 21. The owner of a parcel of land which is classified as a wildlife habitat shall file a report once each year with the department of natural resources on forms furnished by the department of natural resources.

As added by Acts 1979, P.L.49, SEC.1.

IC 6-1.1-6.5-22

Erection of buildings; prohibition

Sec. 22. No person may erect a dwelling or other building on land classified as a wildlife habitat.

As added by Acts 1979, P.L.49, SEC.1.

IC 6-1.1-6.5-23

Grazing permit

Sec. 23. No person may graze or permit grazing by a domestic animal on land classified as a wildlife habitat, unless he has been granted a temporary permit to do so by the department of natural resources.

As added by Acts 1979, P.L.49, SEC.1.

IC 6-1.1-6.5-24

Burning permit

Sec. 24. No person may burn, mow, or otherwise engage in a practice which would alter land or vegetation on land classified as a wildlife habitat, unless he has been granted a temporary permit to do so by the department of natural resources.

As added by Acts 1979, P.L.49, SEC.1.

IC 6-1.1-6.5-25

Cultivation or harvesting permit

Sec. 25. No person may cultivate or harvest crops on land classified as a wildlife habitat, except crops cultivated or harvested solely for wildlife food or cover pursuant to a permit issued by the department of natural resources.

As added by Acts 1979, P.L.49, SEC.1.